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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,292	05/04/2001	Takashi Miyasaki	35.C15340	9605

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EXAMINER

COFFY, EMMANUEL

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,292

Applicant(s)

MIYASAKI ET AL.

Examiner

Emmanuel Coffy

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 September 2005 has been entered.

Response to Amendment

2. This action is responsive to the amendment filed on September 12, 2005. Claims 1-14 are pending. Claims 1 and 7 to 14 have been amended and claim 5 is cancelled.

Response to Arguments

3. On page 8 of the remarks applicant argued that "according to a feature of the invention, the status information which is updated on the basis of the generated change information (Claims 1, 8, 10 and 12) or which is changed in accordance with both the transmitted information and the schedule information managed by the server device (Claims 7, 9 and 11) represents a user's action.

Applicant's argument has been considered but is moot in view of the new ground of rejection.

4. The dependent and non-amended claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated. Applicant is advised that only the significant amendments are herein addressed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over Gilhuly et al. (U.S. 6,701,378) in view of Multer et al. (US 6,671,757.)

Gilhuly substantially teaches the invention as claimed including a method and system for pushing information from a host system to a mobile data communication device upon sensing a triggering event. (See abstract.)

Claim 1:

As per claim 1, Gilhuly substantially teaches a status information sharing system for managing status information of users who operate user terminal devices, comprising:

a recognition unit that recognizes a presence or absence of a user at one of the user terminal devices; (See col. 6, lines 6-7; col. 10, lines 35-48.)

a search unit that searches schedule information of the registered users; and (See col. 5, lines 56-57; line 49 – calendar event is schedule information.) a generation unit that generates updated status information in accordance with both the recognition of a presence or absence of the users and the searched schedule information; and (See col. 5, lines 44-60, col. 6, lines 6-7, and col. 10, lines 35-48.)

Gilhuly teaches sensing that the user is no longer in the vicinity of the host system at col. 6, lines 6-7 as indicated above. This is interpreted as recognition of a

presence or absence of a user.

Gilhuly does not specifically address a generation unit that generates change information of status information of the user's action, in accordance with both the recognition of the presence or absence of the user and the searched schedule information; and

an update unit that updates present status information of the user's action on the basis of the generated change information.

However, Multer et al. expressly teaches updating users based on the generated updated status information. See col. 6, lines 26-46 (particularly lines 26-30); col. 8, lines 25-35; col. 9, lines 39-60.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the method of pushing taught by Gilhuly with transmitting the changed information disclosed by Mutler because such system would promote an optimal schedule updating a user's schedule instantaneously by transmitting only the changed information thereby allowing the system to operate at optimum speed which would enhance QoS.

6. Claims 2-4, and 6-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gilhuly et al. (U.S. 6,701,378) in view of Multer et al. (US 6,671,757) and in further view of O'Brien (US 6,587,831).

Claim 2:

As per claim 2, Gilhuly and Multer substantially teach a system according to

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claim 1 as discussed above, wherein said search unit searches the schedule information of the users for the last and present schedule information.

Gilhuly and Multer do not specifically address search based on past and present schedule. However, O'Brien expressly discloses such limitation as shown in Fig 2A and teaches such limitations throughout. See col. 6, lines 24-30.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the method of pushing taught by Gilhuly and Multer with searching last and present schedule disclosed by O'Brien because such system would promote optimal schedule.

Claim 3:

As per claim 3, Gilhuly and Multer substantially teaches a system according to claim 1 as discussed above, wherein said search unit searches the schedule information for next schedules.

Gilhuly and Multer do not specifically address search for next schedule. However, O'Brien expressly discloses such limitation as shown in Fig 2A and 2B and teaches such limitations throughout. See col. 6, lines 30-40 and col. 7, lines 11-16.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the method of pushing taught by Gilhuly and Multer with searching last and present schedule disclosed by O'Brien because such system would promote optimal schedule.

Claim 4:

As per claim 4 Gilhuly and Multer substantially teach a system according to claim

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1 as disused above, wherein said search unit searches the schedule information for past schedules.

Gilhuly and Multer do not specifically address search for past schedule.

However, O'Brien expressly discloses such limitation at col. 7, lines 11-16.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the method of pushing taught by Gilhuly and Multer with searching last and present schedule disclosed by O'Brien because such system would provide historical evidence of past schedule.

Claim 6:

As per claim 6, Gilhuly substantially teaches a system according to claim 1 as discussed above, further comprising:

a count unit that counts the duration of a predetermined status if the presence or absence of the user is said predetermined status, (See col. 6, line 11 –programmable timer can be used for that purpose.)

wherein said generation unit generates the updated status information based on the duration counted by said count unit. (See col. 5, lines 44-60.)

Claim 7:

As per claim 7 Gilhuly substantially teaches a user terminal device that is capable of communicating with a server device managing schedules of registered users who operate the user terminal devices, comprising:

a connection unit that connects to at least a manipulation input device or an imaging device; (See col. 4, lines 61-67.)

an input unit that inputs information from the connected manipulation input device or imaging device; (See col. 10, lines 35-48.)

a generation unit that generates information representing a presence or absence of a user at the user terminal device based on the input information; (See col. 5, lines 44-60, col. 6, lines 6-7, and col. 10, lines 35-48.)

a transmission unit that transmits the generated information representing the presence or absence of the user at the user terminal device to the server device; and (See col. 5, lines 55-60; See also col. 4, lines 22-29.)

a receiving unit that receives present status information of the user's action which is changed in accordance with both the transmitted information and the schedule information managed by the server. (See col. 5, lines 44-47; line 49 – calendar event is schedule information.)

Gilhuly teaches sensing that the user is no longer in the vicinity of the host system at col. 6, lines 6-7 as indicated above. This is interpreted as recognition of a presence or absence of a user. Moreover, in order to emphasize that this is known in the art, applicant is referred to Wick col. 2, line 63-col. 3, line 21.

Gilhuly and Multer do not specifically address updating users based on the generated updated status information. However, O'Brien expressly teaches updating users based on the generated updated status information at col. 9, lines 22-26 and col. 2, lines 26-33.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the method of pushing taught by Gilhuly and Multer

with updating users based on the generated updated status information disclosed by O'Brien because such system would promote optimal schedule.

Claim 8:

As per claim 8 Gilhuly substantially teaches a server device that is capable of communicating with user terminal devices, comprising:

a recognition unit that recognizes a presence or absence of a user at one of the user terminal devices; (See col. 6, lines 6-7; col. 10, lines 35-48.)

a search unit that searches schedule information of registered users; (See col. 5, lines 56-57; line 49 – calendar event is schedule information.)

a generation unit that generates change information of status information of the user's action in accordance with both the presence or absence of the user and the searched schedule information; and (See col. 5, lines 44-60, col. 6, lines 6-7, and col. 10, lines 35-48.)

an update unit that updates the status information of the user's action on the basis of the generated change information.

Gilhuly teaches sensing that the user is no longer in the vicinity of the host system at col. 6, lines 6-7 as indicated above. This is interpreted as recognition of a presence or absence of a user. However, in order to emphasize that this is known in the art, applicant is referred to Wick col. 2, line 63-col. 3, line 21.

Gilhuly and Multer do not specifically address updating users based on the generated updated status information. However, O'Brien expressly teaches updating users based on the generated updated status information at col. 9, lines 22-26 and col. 2,

lines 26-33.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the method of pushing taught by Gilhuly and Multer with updating users based on the generated updated status information disclosed by O'Brien because such system would promote optimal schedule.

Claim 9:

As to claim 9 (Currently Amended), Gilhuly substantially teaches recites a control method for controlling a user terminal device[[s]] that is capable of communicating with a server device for managing schedules of users who operate user terminal devices, comprising:

a connection step of connecting to at least a manipulation input device or an imaging device; (See col. 4, lines 61-67.)

an input step of inputting information from the connected manipulation unit or the imaging device; (See col. 10, lines 35-48.)

a generation step of generating information representing a presence or absence of a user at the user terminal device based on the input information; (See col. 5, lines 44-60, col. 6, lines 6-7, and col. 10, lines 35-48.)

a transmission step of transmitting the generated information representing the presence or absence of the user at the user terminal device to the server device; and (See col. 5, lines 55-60; See also col. 4, lines 22-29.)

a receiving step of receiving present status information of the user[[s]] which is updated in accordance with both the transmitted information and schedule information managed

by the server. (See col. 5, lines 44-47; line 49 – calendar event is schedule information.)

Gilhuly teaches sensing that the user is no longer in the vicinity of the host system at col. 6, lines 6-7 as indicated above. This is interpreted as recognition of a presence or absence of a user. However, in order to emphasize that this is known in the art, applicant is referred to Wick col. 2, line 63-col. 3, line 21.

Gilhuly and Multer do not specifically address updating users based on the generated updated status information. However, O'Brien expressly teaches updating users based on the generated updated status information at col. 9, lines 22-26 and col. 2, lines 26-33.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the method of pushing taught by Gilhuly and Multer with updating users based on the generated updated status information disclosed by O'Brien because such system would promote optimal schedule.

Claim 10:

As to claim 10 (Currently Amended), Gilhuly substantially teaches recites a control method for controlling a server device that is capable of communicating with user terminal devices, comprising:

a recognition step of recognizing a presence or absence of users at the user terminal devices; (See col. 6, lines 6-7; col. 10, lines 35-48.)

a search step of searching [[a]] schedule information of registered users; (See col. 5, lines 56-57; line 49 – calendar event is schedule information.)

a generation step of generating updated status information in accordance with both the presence or absence of the users and the searched schedule information; and (See col. 5, lines 44-60, col. 6, lines 6-7, and col. 10, lines 35-48.)

an update step of automatically updating present status information of the users based on the generated updated status information.

Gilhuly teaches sensing that the user is no longer in the vicinity of the host system at col. 6, lines 6-7 as indicated above. This is interpreted as recognition of a presence or absence of a user. However, in order to emphasize that this is known in the art, applicant is referred to Wick col. 2, line 63-col. 3, line 21.

Gilhuly and Multer do not specifically address updating users based on the generated updated status information. However, O'Brien expressly teaches updating users based on the generated updated status information at col. 9, lines 22-26 and col. 2, lines 26-33.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the method of pushing taught by Gilhuly and Multer with updating users based on the generated updated status information disclosed by O'Brien because such system would promote optimal schedule.

Claim 11:

As to claim 11 (Currently Amended), Gilhuly substantially teaches recites a storage medium storing a program for controlling a user terminal device[[s]] that is capable of communicating with a server device managing schedules of users who operate the user terminal devices,

the program comprising:

a connection step of connecting to at least a manipulation input device or an imaging device; (See col. 4, lines 61-67.)

an input step of inputting information from the connected manipulation unit or imaging device; See col. 10, lines 35-48.)

a generation step of generating information representing a presence or absence of a user at the user terminal device based on the input information; See col. 5, lines 44-60, col. 6, lines 6-7, and col. 10, lines 35-48.)

a transmission step of transmitting the generated information representing the presence or absence of the user at the user terminal device to the server device; and (See col. 5, lines 55-60; See also col. 4, lines 22-29.)

a receiving step for receiving present status information of the user[[s]] which is updated in accordance with both the transmitted information and the schedule information managed by the server. (See col. 5, lines 44-47; line 49 – calendar event is schedule information.)

Gilhuly teaches sensing that the user is no longer in the vicinity of the host system at col. 6, lines 6-7 as indicated above. This is interpreted as recognition of a presence or absence of a user. However, in order to emphasize that this is known in the art, applicant is referred to Wick col. 2, line 63-col. 3, line 21.

Gilhuly and Multer do not specifically address updating users based on the generated updated status information. However, O'Brien expressly teaches updating users based on the generated updated status information at col. 9, lines 22-26 and col. 2,

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lines 26-33.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the method of pushing taught by Gilhuly and Multer with updating users based on the generated updated status information disclosed by O'Brien because such system would promote optimal schedule.

Claim 12:

As to claim 12 (Currently Amended), Gilhuly substantially teaches a storage medium storing a program for controlling a server device that is capable of communicating with user terminal devices, the program comprising:
a recognition step of recognizing a presence or absence of the users at the user terminal devices; (See col. 6, lines 6-7; col. 10, lines 35-48.)

a search step of searching schedule information of registered users; (See col. 5, lines 56-57; line 49 – calendar event is schedule information.)

a generation step of generating updated status information in accordance with both the presence or absence of the users and the searched schedule information; and (See col. 5, lines 44-60, col. 6, lines 6-7, and col. 10, lines 35-48.)

an update step of automatically updating the present status information of the users based on the generated updated status information.

Gilhuly teaches sensing that the user is no longer in the vicinity of the host system at col. 6, lines 6-7 as indicated above. This is interpreted as recognition of a presence or absence of a user. However, in order to emphasize that this is known in the art, applicant is referred to Wick col. 2, line 63-col. 3, line 21.

Gilhuly and Multer do not specifically address updating users based on the generated updated status information. However, O'Brien expressly teaches updating users based on the generated updated status information at col. 9, lines 22-26 and col. 2, lines 26-33.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the method of pushing taught by Gilhuly and Multer with updating users based on the generated updated status information disclosed by O'Brien because such system would promote optimal schedule.

Claim 13:

As to claim 13(New) it recites a system according to claim 1, further comprising: a transmission unit that transmits the updated present status information of the users to the user terminal devices. (See col. 5, lines 57-60.)

Gilhuly does not specifically address updating users based on the generated updated status information. However, O'Brien expressly teaches updating users based on the generated updated status information at col. 9, lines 22-26 and col. 2, lines 26-33.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the method of pushing taught by Gilhuly with updating users based on the generated updated status information disclosed by O'Brien because such system would promote optimal schedule.

Claim 14:

As per claim 14 Gilhuly substantially teaches a system according to claim 1, wherein said recognition unit recognizes the presence or absence of the users based on

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a status of input from an input device connected to the user terminal devices or an image taken by an image device connected to the user terminal. (See col. 6, lines 6-7; col. 10, lines 35-48.)

7. The prior art made of record and relied upon to support the proposition of “recognition of a presence or absence of a user” as interpreted by the Examiner is:

- Wick et al. (U.S. 6,691,162) teaches “Monitoring Users of a Computer Network” col. 2, line 63-col. 3, line 21.

CONCLUSION

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00 P.M.

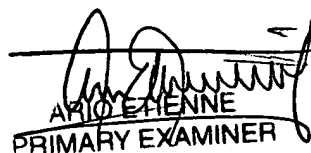
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy
Patent Examiner
Art Unit 2157

***EC
November 16, 2005


ARIO ETIENNE
PRIMARY EXAMINER